IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 14830 of 2005

Between:

1 Vanajari Lakshmi, w/o. Apparao,
R/o. chintalapudi Village, Koyyauru Mandal, Visakhapatnam District.
2 Podugu Gangayamma, W/o. Karriyya,
R/o. chintalapaudi Village, Koyyuru Mandal, Visakhapatnam.
3 Sambe Talupulamma, W/o. Chinnarao,
R/o. M. Makavaram Village, Koyyuru Mandal, Visakhapatnam District.

..... PETITIONERS

AND

1 The Joint Collector-cum-Appellate Authority, under R.O.R. Act,

Visakhapatnam.
2 The Sub Collector, Paderu, Visakhapatnam District.
3 The Mandal Revenue Officer, Koyyuru Mandal, Visakhapatnam.
4 Rompala Narayana, S/o. Chinnaiah,
Ginjarthi Village, Koyyuru Mandal, Visakhapatnam.
5 Rompala Satyanarayana, S/o. Chinnaiah,
Ginjarthi Village, koyyuru Mandal,
Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of Mandamus declaring the inaction on the part of the 1st respondent in disposing of the stay application filed by the petitioners on 16.6.2005 pending the statutory Revision filed under Sec.9 of A.P.R.O.R. Act, 1971 before him in respect of the land in an extent of

Ac.8-22 cts., in Sy.Nos. 25 and 28 of Ginjarthy Village, Koyyuru Mandal, Visakhapatnam District is highly arbitrary, unjust and opposed to the principles of natural justice and consequently direct the 1st respondent to consider and dispose of the stay application filed by the petitioners.

Counsel for the Petitioner: MRP.RAJASEKHAR

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE

Counsel for the Respondent Nos.4 and 5: Mr. K.V. Subrahmanya Narusu, Caveator.

The Court at the admission stage made the following :

O R D E R:

This writ petition is filed seeking to declare the inaction on the part of the first respondent in disposing of the stay application, dated 16-06-2005, filed by the petitioners pending the statutory revision filed under Section 9 of the Andhra Pradesh Rights in land and Pattadar Pass Books Act, 1971, (hereinafter referred to as 'the Act') before him in respect of the land to an extent of Ac.08-22 cents in Sy.Nos.25 and 28 of Ginjarthy Village, Koyyuru Mandal, Visakhapatnam District as illegal and arbitrary, and consequently to direct the first respondent to consider and dispose of the stay application filed by the petitioners.

It is stated that originally the land-in-question was assigned in favour of Rampala Nukaiah, the father of the petitioners, and Rampala Chinnaiah, the father of the fourth and fifth respondents, and that a patta under the Andhra Pradesh Land Transfer Regulation Act was issued in favour of said Rampala Chinnaiah, being the elder member of the family, and both the brothers enjoyed the said land jointly. While so, the said Chinnaih alienated the said land in favour of one Yerramati Krishnamurthy, a non-tribal, without consent of the said Nukaiah. Against the same, the Special Deputy Tahsildar made a complaint before the Court of Agency Divisional Officer and Special Deputy Collector (Tribal Welfare, Paderu) conducted an enquiry and by order, dated 27-05-1987, ordered ejectment of the said Krishnamurthy and restored the land in favour of Nukaiah. Since then the said Nukaiah, the father of the petitioners had been in continuous possession and enjoyment of the said land by paying cist regularly.

After his death, the petitioners, being his legal heirs, have been in continuous possession and enjoyment of the same by paying the cist regularly. In 1995, the third respondent issued pattadar pass books and title deeds in favour of the petitioners under Section 5 of the Act. Aggrieved by the same, in 2005, the fourth and fifth respondents filed an appeal before the second respondent, who cancelled the pattadar pass books and title deeds in favour of the petitioners. It is also stated that the said appeal, which was filed after lapse of ten years, is barred by limitation. Questioning the said cancellation order, the petitioners have preferred a revision under Section 9 of the Act before the first respondent along with an application seeking interim orders, and the same are pending. Taking advantage of the inaction on the part of the first respondent, the fourth and fifth respondents are pressuring the third respondent for issuance of pattadar pass books in their favour. It is further stated that though the petitioners got issued a notice, dated 17-06-2005, requesting the third respondent not to issue any pattadar pass books and title deeds in favour of the fourth and fifth respondents since the revision filed by the petitioners is pending, the fourth and fifth respondents are attempting to interfere with the possession of the petitioners in respect of the land-in-question. However, the first respondent has neither disposed of the revision nor passed any order in the application seeking interim order so far. Hence, this writ petition.

Heard both the learned counsel and perused the material available on record.

In view of the facts and circumstances of the case, especially in view of the fact that the statutory revision is pending before the first respondent, without going into the merits of the case, I deem it appropriate to direct the first respondent to dispose of the revision pending on his file.

The writ petition is accordingly disposed of directing the first respondent to dispose of the revision filed by the petitioners, pending on his file, after giving due opportunity to the parties concerned and

pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to interfere with the possession of the petitioners in respect of the land-in-question. No costs.

(ELIPE DHARMA RAO, J)

Date:11-07-2005

ghn

To

1 The Joint Collector-cum-Appellate Authority, under R.O.R. Act,

Visakhapatnam.
2 The Sub Collector, Paderu, Visakhapatnam District.
3 The Mandal Revenue Officer, Koyyuru Mandal, Visakhapatnam.
4 Two copies to G.P. for Revenue, High Court buildings, Hyderabad.(O.U.T.)

5 2 CD copies